

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2004 JAN -5 A 11: 58

CA #: 03 CV 12463 RGS

U.S. DISTRICT COURT
DISTRICT OF MASS

GREAT NORTHERN INSURANCE CO.
as subrogee of PHYLLIS MACNEIL,
1000 Pillsbury Center
Minneapolis, MN 55402
Plaintiff

v.

INTERCITY ALARMS, INC.
20 North Main Street
Yarmouth, MA 02664
Defendants

ANSWER AND JURY CLAIM

1. The defendant is without knowledge or belief sufficient to admit or deny the allegations contained in paragraph 1.
2. The defendant is without knowledge or belief sufficient to admit or deny the allegations contained in paragraph 2.
3. Admitted.
4. To the extent that paragraph 4 contains allegations against the defendant the same are denied.
5. To the extent that paragraph 5 contains allegations against the defendant the same are denied.
6. The defendant is without knowledge or belief sufficient to admit or deny the allegation contained in paragraph 6.
7. Denied.

8. The defendant is without knowledge or belief sufficient to admit or deny the allegations contained in paragraph 8.

9. Admitted.

10. Denied.

11. Denied.

12. Denied.

13. The defendant is without knowledge or belief sufficient to admit or deny the allegations contained in paragraph 13.

Count I.

14. The defendant restates its responses to paragraphs 1-13 as if specifically restated herein.

15. Denied.

Count II.

16. The defendant restates its responses to paragraphs 1-15 as if specifically restated herein.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

Count III.

21. The defendant restates its responses to paragraphs 1-20 as if specifically restated herein.

22. Denied.

23. Denied.

24. Denied.

Wherefore the defendant demands that the complaint be dismissed.

AFFIRMATIVE DEFENSES

1. The complaint fails to state a claim upon which relief can be granted, as a result of which, this action should be dismissed with prejudice and with costs to the Defendant.
2. The Plaintiff is barred from any recovery herein because there has been a complete, or partial, failure of consideration with respect to the claim he has made.
3. The Defendant says that the acts or omissions alleged in the Complaint to be negligent were committed, if at all, by the person whose conduct the Defendant was not legally responsible.
4. The complaint fails to join a party needed for just adjudication.

The Defendant Demands a Jury Trial

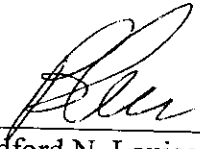
The Defendant,
by its attorney,



Bradford N. Louison (BBO# 305755)
MERRICK, LOUISON & COSTELLO, LLP
67 Batterymarch Street
Boston, MA 02110
(617) 439-0305

CERTIFICATE OF SERVICE

I, Bradford N. Louison, hereby certify that on the 30th day of Dec., 2003, I served the foregoing by causing a copy to be mailed, postage prepaid, directed to Roy P. Giarrusso, Giarrusso, Norton, Cooley & McGlone, P.C., Marina Bay, 308 Victory Rd., Quincy, MA 02171.



Bradford N. Louison

MERRICK, LOUISON & COSTELLO, ~~FILED~~

ATTORNEYS AT LAW

IN CLERKS OFFICE

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U.S. DISTRICT COURT
DISTRICT OF MASS.

December 30, 2003

Clerk of the Court
United States District Court
1 Courthouse Way
Boston, MA 02210

Re: Great Northern Ins. Co. as subrogee of Phyllis MacNeil v. Intercity Alarms, Inc
U.S. District Court C.A. No: 03CV12463RGS

Dear Sir/Madam:

Enclosed herewith for filing, relative to the above-entitled matter, please find the Answer and Jury Claim.

Thank you for your attention to this matter.

Very truly yours,


Bradford W. Louison

BNL/mob
Enclosure

cc: Roy P. Giarrusso, Esquire